

### **REMARKS**

Claims 1-5, 7-14, and 16-20 are presently pending in the application. Claims 1-5, 7-14, and 16-18 have been amended to more particularly define the invention. Claims 6 and 15 have been cancelled and replaced by claims 19 and 20.

Claims 1-2, 4-5, 8-11, 13-14, and 17-18 were rejected under 35 U.S.C. §102(b) as being anticipated by Ramesh et al., WO 02/37889 A1. Claims 3 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramesh et al. in view of Cooper, U.S. Publication No. 2004/0203745 A1. Claims 6-7 and 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramesh et al. in view of Dorsey et al, U.S. Publication No. 2004/0224684 A1. These rejections are respectfully traversed.

### **THE CLAIMED INVENTION**

The claimed invention is directed to a method of and a device for determining a most suitable cell during network acquisition for a cellular communications device, based on a characteristic of signals received from a plurality of cells, the signals from each cell being provided over a band of frequencies.

In exemplary embodiments of the invention, a series of measurements is taken for each frequency of a first frequency band, so as to obtain an average measurement value of the characteristic for each frequency of the first frequency band. The measurements on each frequency are equally spaced in time, with equal time intervals therebetween. During the time intervals between measurements for each frequency of the first frequency band, measurements are taken of the characteristic for each frequency of a second frequency band.

## **THE PRIOR ART REFERENCES**

### **The Ramesh et al. Reference**

The Examiner's position is that Ramesh et al. discloses a method of and a device for selecting a cell during network acquisition for a cellular communications device, based on a characteristic of signals received from a plurality of cells, the signals from each cell being provided over a band of frequencies. A series of measurements is taken for each frequency of the first frequency band, so as to obtain an average measurement value of the characteristic for each frequency of the first frequency band. The measurements on each frequency are equally spaced in time, with equal time intervals therebetween.

### **The Cooper Reference**

Cooper discloses a method and an apparatus for selection and acquisition of a wireless communications system in which a selection is made based on the signal to noise ratio of the received signal

### **The Dorsey Reference**

Dorsey discloses a method for a cellular phone to search for higher priority networks during dual mode operation.

## **ARGUMENT**

In exemplary independent claims 1 and 10, during the time intervals between measurements for each frequency of the first frequency band, measurements are taken of the characteristic for each frequency of a second frequency band. The dependent claims have been amended and/or written to conform with amended claims 1 and 10.

In rejecting claims 6, 7, 15, and 16, the Office Action contends that such operation is

made obvious by Dorsey's disclosure of dual mode operation, including GSM and UMTS, and Ramesh's disclosure of "interleaving." This contention, and the rejection based on it, are traversed.

Ramesh mentions "interleaving" at page 3, lines 5-7 and at page 9, lines 11-13.

However, the paragraph at page 9, lines 17-25, Ramesh says:

"More particularly, the mobile terminal 100 will lock on and perform multiple power measurements in a fixed interval of time, referred to herein as the measurement period  $T_m$ , on each carrier. The maximum of these power measurements taken over the measurement period  $T_m$  is stored. This process is repeated for each carrier frequency within the carrier group to complete one cycle. After going through the  $N_c$  carriers in the group, i.e., one cycle, the mobile terminal 100 returns to the first carrier and repeats the power measurements for each carrier in the group."

Further, at page 7, line 14 to page 14, line 20, Ramesh describes operation of his device in conjunction with the flowchart of his Figure 7. It is evident from that disclosure that the entire group of frequencies is measured before a next group is measured. Any interleaving takes place after all groups have been measured.

Thus, Ramesh's "interleaving" comprises measuring one carrier group following completion of measuring of a previous carrier group, not taking measurements of the characteristic for each frequency of a second frequency band during the time intervals between measurements for each frequency of a first frequency band.

Ramesh leads away from the claimed invention.

## THE CLAIM FOR PRIORITY

The Office Action acknowledges the claim for the priority of United Kingdom Application No. 0226980, but contends that a copy of German Application DE 10314 694.6 was submitted. This contention is traversed.

Attached are copies of the Submission of Priority Document, which identifies the priority document as United Kingdom Application No. 0226980.1, the cover page of the United Kingdom application, which shows that the application was ribboned together, and the receipt postcard, which shows that the priority application was received by the Patent and Trademark Office mail room on July 12, 2004. (It is noted that the Submission of Priority Document erroneously gives the date of the United Kingdom application as "November 19, 2003." This is clearly incorrect on its face, since that date is a day after the filing date of the present United States application.)

Accordingly, it is submitted that the correct priority application was submitted and is within the Patent and Trademark Office. Acknowledgement of its receipt is respectfully requested.

## **CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-5, 7-14, and 16-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including

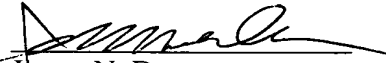
Serial No. 10/714,672  
Docket No.: WN-2622  
GOT.081

extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account

No. 50-0481.

Date: November 15 2005

Respectfully Submitted,

  
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**Attorney's Post Card Filing Receipt**

Serial Number: 101714,672

Papers Filed On: 7/12/04

Attorney's Docket Number: WN-2622

☒ Patent

☐ Trademark

Applicant's Name: Osamu Yamashita, et  
Papers Filed Herewith: (3 month) al

Application Filing Date: 11/1/03

☐ Amendment

☒ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ \_\_\_ Documents

☒ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☒ Formal Drawings  
1 (Pg 1.)

☐ Drawing Corrections

☐ Issue Fee Transmittal

☒ Missing Parts

☒ Other Submission of Declaration

Fees Filed Herewith: \$ 1,850.00 ☒ Check ☐ Charge Deposit Account: \_\_\_\_\_

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Docket No.: WN-2622  
GOT.081



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Osamu Yamashita, et al.

Serial No.: 10/714.672

Group Art Unit: 2681

Filing Date: November 18, 2003

Examiner: Unknown

For: CELLULAR NETWORK ACQUISITION METHOD AND APPARATUS

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

**SUBMISSION OF PRIORITY DOCUMENT**

Sir:

Submitted herewith is a certified copy of United Kingdom Application Number 0226980.1 filed on November 19, 2003, upon which application the claim for priority is based.

Respectfully submitted.

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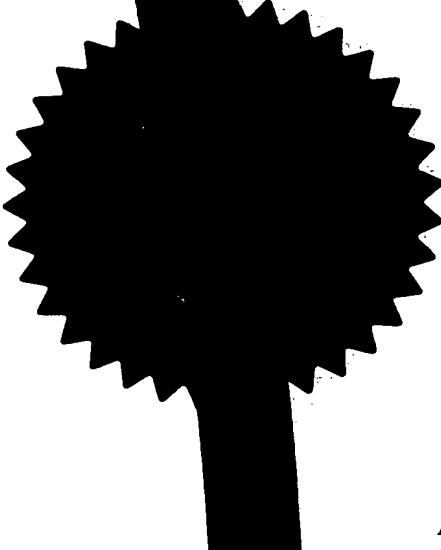
I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

I also certify that the attached copy of the request for grant of a Patent (Form 1/77) bears an amendment, effected by this office, following a request by the applicant and agreed to by the Comptroller-General.

In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

In accordance with the rules, the words "public limited company" may be replaced by p.l.c., P.L.C. or PLC.

Registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.



*R. McHoney*

Signed

Dated 18 September 2003

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